

REMARKS

Reconsideration of the present application is respectfully requested.

Claims 1-14 are pending in the application.

The Examiner has rejected Claims 1-5, 7 and 9-14 under 35 U.S.C. 102(b) as being anticipated by *Shibayama* (U.S. Pat. No. 6,233,002). The Examiner has rejected Claims 6 and 8 under 35 U.S.C. 103(a) as being unpatentable over *Shibayama*.

Please cancel Claim 13 without prejudice.

With respect to the rejection of Claims 1-5, 7 and 9-11 under 35 U.S.C. 102(b), Applicant has amended Claims 1, 9 and 11 to claim a portable terminal having a control module that sets on of a camera mode or a communication mode according to an inputted signal, determines whether a camera mode has been selected, causes an image to be scanned when the camera mode has been selected and switches to the communication mode to perform a call operation when the camera mode has not been selected. As to the Examiner's allegation that such a control module is inherent in *Shibayama*, Applicant respectfully traverses. In fact, *Shibayama* discloses an earphone system that connects to various portable terminals. An image is displayed when the system is connected to a portable terminal having a video function such as a video tape recorder. *Shibayama* does not, however, disclose or even fairly suggest determining whether a camera mode has been selected and switching between a camera mode and a communication mode such as a call or dialing operation, because the video terminal in *Shibayama* is completely separate from any telephone terminal. Thus, it clearly would not be inherent in *Shibayama*, to include a control module that operates in the presently claimed manner.

With respect to the rejection of Claims 12-14 under 35 U.S.C. 102(b), it is respectfully submitted that the Examiner is incorrect. Claim 12 has been amended to include the limitations originally contained in Claim 13, now cancelled. As previously asserted, *Shibayama* does not

disclose or even fairly suggest determining whether a camera mode has been selected and switching between a camera mode and a communication mode such as a call mode, because the video terminal in *Shibayama* is completely separate from any telephone terminal. Claim 14 has been amended to depend on Claim 12. Based on at least the foregoing, withdrawal of the rejection of Claims 1-5, 7 and 9-14 under 35 U.S.C. 102(b) is respectfully requested.

With respect to the rejection of Claims 6 and 8 under 35 U.S.C. 103(a), Applicant believes the aforementioned amendments obviate this rejection. Accordingly, withdrawal of the rejection of Claims 6 and 8 under 35 U.S.C. 103(a) is respectfully requested.

Further regarding Claims 1-9, 11-12 and 14, Applicant notes that the present invention, particularly as shown in the flowchart illustrated in FIG. 9 and the accompanying description set forth on pages 13-14 of the specification, includes a common mode (e.g. S100) and call operation mode (or, in other words, a communication mode (e.g. S220, S240)) as termed in the claims. For clarity purposes, Applicant has amended Claims 1-9, 11-12 and 14 herein, to particularly recite these three distinct modes, and to better conform the claims to the specification. It is asserted that no new matter has been added in this amendment.

In addition, and strictly for purposes of definiteness, Applicant has amended Claim 12 by deleting "set" and inserting "present" before "operation" in the appropriate steps in the claim, to distinguish a "present operation mode" selected after the selection signal is inputted, from the "operation mode" set in the initial step in Claim 12.

Independent Claims 1, 9, 11 and 12 are believed to be in condition for allowance. Without conceding the patentability per se of dependent Claims 2-8, 10 and 14, these are likewise believed to be allowable by virtue of their dependence on their respective amended independent claims. Accordingly, reconsideration and withdrawal of the rejections of dependent Claims 2-8, 10 and 14 is respectfully requested.

Accordingly, all of the claims pending in the Application, namely, Claims 1-12 and 14

are believed to be in condition for allowance. Should the Examiner believe that a telephone conference or personal interview would facilitate resolution of any remaining matters, the Examiner may contact Applicant's attorney at the number given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Paul J. Farrell", written over the typed name.

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